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FM AMCONSUL HONG KONG
TO RUEHC/SECSTATE WASHDC PRIORITY 8991
INFO RUEHOO/CHINA POSTS COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 002125

SIPDIS

DEPT FOR EAP/CM; ALSO FOR DRL

E.O. 12958: DECL: 10/20/2019

TAGS: [PGOV](#) [PHUM](#) [HK](#)

SUBJECT: HKSARG 2012 REFORM PROPOSAL: SLIGHTLY BETTER THAN
THE STATUS QUO, BUT NO CLOSER TO DEMOCRACY

REF: HONG KONG 2031

Classified By: Acting Consul General Christopher Marut for reasons 1.4(
b) and (d)

¶1. (C) Summary: As expected, the Hong Kong government's November 18 Consultation Document on 2012 electoral reforms proposed an increase in the nomination/election committee for the Chief Executive (CE) and a ten-seat increase for the Legislative Council (LegCo) - five directly elected seats and five functional constituency (FC) seats to be elected by directly elected District Councilors. Noting the difficulty of reaching consensus on contentious issues, the government has left most of remaining electoral mechanisms in place; e.g. it will not expand the franchise that selects the CE Election Committee or the electorate for any existing FC. It declined to map out how the arrangements proposed for 2012 lead to universal suffrage elections, ignoring key pan-democratic demands for guarantees that the 2017 CE candidate nomination system will not screen out pan-democratic candidates and that the FCs will be abolished in their entirety by 2020. End summary.

¶2. (C) Comment: The Hong Kong Government and Beijing have now answered the two pan-democratic complaints that led the caucus to veto the 2005 reform package: Beijing proposed a timetable for universal suffrage elections for the CE (2017) and LegCo (2020), and District Councilors appointed by the CE will not have a role in electing new LegCo seats or the CE. The arrangements proposed for the 2012 CE election are marginally more democratic than those used in 2007, in that a few more people participating in the process will be elected by people who were themselves democratically elected, but the overall system will still overwhelmingly favor the establishment. Starting from the (debatable) premise that LegCo should be expanded, but recognizing the limitation that, for each new directly elected seat, a new FC seat must be added, the proposals for 2012 are as democratic as they can be, but not necessarily more democratic than the 2008 election system in terms of constituting the legislature through elections representing the popular will. In sum, the government's proposal is at best a slight improvement over the status quo, but represents no movement towards universal suffrage. End comment.

Chief Executive: Drop in the Bucket

¶3. (C) The current method for electing the Chief Executive (CE) involves a committee of 800 selected by four broad sectors -- Industrial/Commercial/Financial; Professions; Labor/Social Services/Religion/other; and Legislative Councilors/District Councilors/CPPCC delegates/NPC deputies. These four sectors are in turn elected from a limited franchise drawn from 38 subsectors, each of which sets its own voting rules. The logic behind this system reflects the Basic Law's emphasis on "broad representation" and "balanced

participation," the principles by which influence is apportioned on the basis of societal sector rather than pure numbers of votes. This committee nominates CE candidates (100 votes minimum; a maximum of eight possible candidates) and then elects the CE from those nominated. While observers regard the makeup of the franchises involved as heavily weighted towards pro-establishment/pro-Beijing sectors, Alan Leong Kah-kit of the pan-democratic Civic Party was able to secure more than 100 nominating votes in 2007, which allowed him to contest the re-election of incumbent CE Donald Tsang Yam-kuen.

14. (C) While media had speculated that any increase in the CE Election Committee would be by including all of the roughly 400 elected District Councilors, the government chose to uphold "broad representation" and "balanced participation" by granting 100 new votes to each of the four sectors. While "most" of the 100 added to the "councilors/delegates" sector will be elected only by directly elected District Councilors, the other sectors will simply gain a hundred new seats, to be chosen by whatever means they currently choose their committee members. Thus, while the "councilors/delegates" delegation to the CE Election Committee will represent a more democratic constituency, they will not be numerically sufficient to do more than marginally alter the balance of forces in the Election Committee. In addition, though democratically-elected, there is no guarantee that the District Councilors would add more pan-democratic voices to the Election Committee, since 3/4 of the elected councilors represent pro-establishment forces.

15. (C) The 1/8 nomination threshold for nominating candidates

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will remain unchanged; the number of votes required to win nomination will merely increase to 150.

LegCo: More is Less?

16. (C) The government's rationale for expanding the Legislative Council (LegCo) -- offering more opportunities for political participation and increasing LegCo's manpower to deal with an exploding workload -- is sound, but not automatically democratic. Since the 2007 National People's Congress Standing Committee (NPC/SC) decision required that any gain in directly elected seats (returned from Hong Kong's five geographic constituencies, or GCs) for 2012 be matched by increases in functional constituency (FC) seats, the current balance of power between the two halves of LegCo remains the same. Since the NPC/SC ruled out changes to the current "split-voting" rule, which requires majorities of directly elected and FC seats to pass motions, amendments, and bills which originate in LegCo, the largely pro-establishment FCs will retain their effective veto over pan-democratic initiatives (and vice-versa, so long as the pan-democrats continue to dominate the directly elected seats).

17. (SBU) Changes to the Basic Law require a two-thirds majority vote of legislators present. The pan-democrats currently hold twenty-three seats. In the current sixty-seat LegCo, assuming the LegCo President continues to abstain, the pan-democrats need twenty seats to maintain a "blocking minority", with twenty-one a safer margin. In a seventy-seat LegCo, the pan-democrats would need twenty-four seats to maintain a safe blocking minority. Given their normal 60% rate of public support, picking up one of the five new directly elected seats should be possible; gaining all five would be difficult.

18. (C) The government proposed adding all five new seats to the FC representing the District Councils (DC), giving that FC six seats. The government contended that, since these six seats would be elected only by District Councilors who were

themselves directly elected, its plan would increase the number of legislators elected, directly or indirectly, by the whole of Hong Kong's electorate.

¶9. (C) While true in theory, the actual method by which the DC seats are elected is critical. Of the 400-odd directly elected District Councilors, a hundred or so are pan-democrats and the rest, by party affiliation or personal preference, support the establishment. If councilors vote as a single electorate for blocs of six candidates (one of the methods reportedly under consideration), the pan-democrats will not win any of the six seats, despite polls consistently showing the pan-democrats enjoy the support of sixty percent of the general public. Only if seats are allocated by some proportional system do the pan-democrats have a chance, and even then they are likely to win at most two of the six. Moreover, the actual election methods will be determined after the initial package of reforms are agreed, meaning the pan-democrats would have no certainty regarding the final arrangements.

¶10. (C) Arguing that consensus on such a contentious issue would be difficult to achieve, the government declined to propose expanding the electorate of any of the other existing FCs. Thus, those FCs which elect their legislators by "corporate voting" -- the CEO/head of a company or firm in the constituency casts one vote on behalf of his/her board of directors and employees -- would continue to do so. A number of observers, including the pro-establishment and pro-business Liberal Party, had proposed replacing corporate voting with some system granting votes to all directors in a company or firm.

MARUT